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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/658,499
		Filing Date	September 9, 2003
		First Named Inventor	Mark A. Reiley
		Art Unit	3738
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission		Attorney Docket Number	29914-701.403

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return receipt postcard 2. PTO/SB/08 3. Copies of references #108-144
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Cecily Anne O'Regan, Reg. No. 37,448, WILSON SONSINI GOODRICH & ROSATI	
Signature		
Date	December 16, 2005	

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Attorney Docket No. 29914-701.403
PATENT

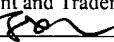
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Mark A. Reiley) Group Art Unit: 3738
Serial Number: 10/658,499) Examiner: Not yet assigned
Filing Date: September 9, 2003) CONFIRMATION NO: 1797
Title: FACET ARTHROPLASTY DEVICES AND)
METHODS)

Certificate of Mailing or Transmission

37 CFR §1.8

I hereby certify that this paper is being: deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450; or transmitted by facsimile to the Patent and Trademark Office in accordance with §1.6(d) to facsimile number on December 16, 2005.


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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Sir:

Applicant hereby submits an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant further requests that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits;
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- a certification as specified in §1.97(e) provided concurrently herewith;
-- OR --
- a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- A. a certification as specified in §1.97(e); and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR --
- Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR --
- Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Forms PTO/SB/08A-B are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR --
- Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith.

WO 01/28442 A1, WO 02/071960 A1 and WO 03/041618 A2 were published in French. The English language abstract and the drawings are sufficient to convey the scope of their disclosure.

Should the Examiner believe that a complete translation of any of the above mentioned publications is necessary to understand their disclosure, Applicant(s) will endeavor to provide such translations at the Examiner's request.

Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).

Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29914-701.403).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By:


Cecily Anne O'Regan, Reg. No. 37,448

Dated: December 10, 2005

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known			
				Application Number		10/658,499	
				Filing Date		September 9, 2003	
				First Named Inventor		Mark A. Reiley	
				Art Unit		3738	
				Examiner Name			
				Not yet assigned			
Sheet	1	of	7	Attorney Docket Number			
29914-701.403							

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US 4,156,296	05-29-1979	Johnson et al.	
	2	US 4,210,317	07-01-1980	Spann et al.	
	3	US 4,231,121	11-04-1980	Lewis	
	4	US 4,394,370	07-19-1983	Jefferies	
	5	US 4,472,840	09-25-1984	Jefferies	
	6	US 4,611,581	09-16-1986	Steffee	
	7	US 4,805,602	02-21-1989	Puno et al.	
	8	US 4,955,916	09-11-1990	Carignan et al.	
	9	US 5,000,165	03-19-1991	Watanabe	
	10	US 5,015,255	05-14-1991	Kuslich	
	11	US 5,019,081	05-28-1991	Watanabe	
	12	US 5,062,845	11-05-1991	Kuslich et al.	
	13	US 5,129,900	07-14-1992	Asher et al.	
	14	US 5,284,655	02-08-1994	Bogdansky et al.	
	15	US 5,300,073	04-05-1994	Ray et al.	
	16	US 5,314,476	05-24-1994	Prewett et al.	
	17	US 5,405,390	04-11-1995	O'Leary et al.	
	18	US 5,445,639	08-29-1995	Kuslich et al.	
	19	US 5,474,555	12-12-1995	Puno et al.	
	20	US 5,491,882	02-20-1996	Walston et al.	
	21	US 5,507,823	04-16-1996	Walston et al.	
	22	US 5,510,396	04-23-1996	Prewett et al.	
	23	US 5,569,247	10-29-1996	Morrison	
	24	US 5,571,191	11-05-1996	Fitz	
	25	US 5,587,695	12-24-1996	Warmerdam	
	26	US 5,658,338	08-19-1997	Tullos et al.	

Examiner Signature		Date Considered
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				Examiner Name		Not yet assigned	
Sheet	2	of	7	Attorney Docket Number	29914-701.403		

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		Number-Kind Code ² (if known)	MM-DD-YYYY		
27	US 5,575,792		11-19-1996	Errico et al.	
28	US 5,577,995		11-26-1996	Walker et al.	
29	US 5,603,713		02-18-1997	Aust et al.	
30	US 5,643,263		07-01-1997	Simonson	
31	US 5,683,392		11-04-1997	Richelsoph et al.	
32	US 5,688,274		11-18-1997	Errico et al.	
33	US 5,690,630		11-25-1997	Errico et al.	
34	US 5,725,527		03-10-1998	Biedermann et al.	
35	US 5,738,585		04-14-1998	Hoyt, III et al.	
36	US 5,741,255		04-21-1998	Krag et al.	
37	US 5,741,261		04-21-1998	Moskovitz et al.	
38	US 5,766,253		06-16-1998	Brosnahan, III	
39	US 5,782,833		07-21-1998	Haider	
40	US 5,797,911		08-25-1998	Sherman et al.	
41	US 5,800,433		09-01-1998	Benzel et al.	
42	US 5,827,289		10-27-1998	Reiley et al.	
43	US 5,863,293		01-26-1999	Richelsoph	
44	US 5,866,113		02-02-1999	Hoensbroek et al.	
45	US 5,879,350		03-09-1999	Sherman et al.	
46	US 5,879,396		03-09-1999	Walston et al.	
47	US 5,885,285		03-23-1999	Simonson	
48	US 5,891,145		04-06-1999	Morrison et al.	
49	US 5,947,893		09-07-1999	Agrawal et al.	
50	US 5,964,760		10-12-1999	Richelsoph	
51	US 6,010,503		01-04-2000	Richelsoph et al.	
52	US 6,019,759		02-01-2000	Rogozinski	

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		Number-Kind Code ² (if known)			
	53	US 6,022,350	02-08-2000	Ganem	
	54	US 6,074,391	06-13-2000	Metz-Stavenhagen et al.	
	55	US 6,077,262	06-20-2000	Schläpfer et al.	
	56	US 6,086,590	07-11-2000	Margulies et al.	
	57	US 6,090,111	07-18-2000	Nichols	
	58	US 6,132,430	10-17-2000	Wagner	
	59	US 6,132,464	10-17-2000	Martin	
	60	US 6,190,388 B1	02-20-2001	Michelson et al.	
	61	US 6,200,322 B1	03-13-2001	Branch et al.	
	62	US 6,231,575 B1	05-15-2001	Krag	
	63	US 6,248,105 B1	06-19-2001	Schläpfer et al.	
	64	US 6,280,443 B1	08-28-2001	Gu et al.	
	65	US 6,290,703 B1	09-18-2001	Ganem	
	66	US 6,309,391 B1	10-30-2001	Crandall et al.	
	67	US 6,340,361 B1	01-22-2002	Kraus et al.	
	68	US 6,340,477 B1	01-22-2002	Anderson	
	69	US 6,342,054 B1	01-29-2002	Mata	
	70	US 6,368,320 B1	04-09-2002	Le Couedic et al.	
	71	US 6,451,021 B1	09-17-2002	Ralph et al.	
	72	US 6,471,705 B1	10-29-2002	Biedermann et al.	
	73	US 6,520,963 B1	02-18-2003	McKinley	
	74	US 6,524,315 B1	02-25-2003	Selvitelli et al.	
	75	US 6,540,749 B2	04-01-2003	Schäfer et al.	
	76	US 6,547,790 B2	04-15-2003	Harkey, III et al.	
	77	US 6,554,843 B1	04-29-2003	Ou	
	78	US 6,565,565 B1	05-20-2003	Yuan et al.	
	79	US 6,572,617 B1	06-03-2003	Senegas	

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		Number-Kind Code ² (if known)	MM-DD-YYYY		
	80	US 6,585,769 B1	07-01-2003	Muhanna et al.	
	81	US 6,638,321 B1	10-28-2003	Genet et al.	
	82	US 6,749,361 B2	06-15-2004	Hermann et al.	
	83	US 6,770,095 B2	08-03-2004	Grinberg et al.	
	84	US 6,793,678 B2	09-21-2004	Hawkins	
	85	US 6,811,567 B2	11-02-2004	Reiley	
	86	US 6,902,580 B2	06-07-2005	Fallin et al.	
	87	US RE 36,758	06-27-2000	Fitz	
	88	US 2002/0013585 A1	01-31-2002	Gournay et al.	
	89	US 2002/0013588 A1	01-31-2002	Landry et al.	
	90	US 2002/0042613 A1	04-11-2002	Mata	
	91	US 2002/0049446 A1	04-25-2002	Harkey, III et al.	
	92	US 2002/0082601 A1	06-27-2002	Toyoma et al.	
	93	US 2002/0120272 A1	08-29-2002	Yuan et al.	
	94	US 2002/0123806 A1	09-05-2002	Reiley	
	95	US 2003/0191532 A1	10-09-2003	Goble et al.	
	96	US 2003/0040797 A1	02-27-2003	Fallin et al.	
	97	US 2003/0204259 A1	10-30-2003	Goble et al.	
	98	US 2004/0230201 A1	11-18-2004	Yuan et al.	
	99	US 2004/0230304 A1	11-18-2004	Yuan et al.	
	100	US 2005/0010291 A1	01-13-2005	Stinson et al.	
	101	US 2005/0080428 A1	04-14-2005	White	
	102	US 2005/0085912 A1	04-21-2005	Arnin et al.	
	103	US 2005/0102028 A1	05-12-2005	Arnin et al.	
	104	US 2005/0131406 A1	06-16-2005	Reiley et al.	
	105	US 2005/0177240	08-11-2005	Blain	
	106	US 2005/0187560 A1	08-25-2005	Dietzel et al.	
	107	US 2005/0192589 A1	09-01-2005	Raymond et al.	

Examiner Signature		Date Considered
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				Application Number 10/658,499
				Filing Date September 9, 2003
				First Named Inventor Mark A. Reiley
				Art Unit 3738
				Examiner Name Not yet assigned
Sheet	5	of	7	Attorney Docket Number
				29914-701.403

FOREIGN PATENT DOCUMENTS

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Sheet	6	of	7	Attorney Docket Number	29914-701.403

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	125	ABRAHAM, D.J. et al. Indications And Trends In Use In Cervical Spinal Fusions. <i>Orthop Clin North Am.</i> October 1998; 29(4):731-44.	
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